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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session
Item 4 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 June 2001]

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*/ This written statement is issued, unedited, as received in English, from the submitting non-governmental organization(s).

GE. *200 1014422* LS

ENG

1. The right to development belongs fundamentally to peoples and originates in their right to self-determination. Articles 1 and 2 of the International Covenant on Economic, Social, and Cultural Rights emphasize that it is "by virtue of" the right to self-determination that peoples enjoy the right to "freely pursue their economic, social and cultural development" and to "freely dispose of their natural wealth and resources." Self-determination means that peoples must participate in the design and implementation of a genuine sustainable development policy. Any state "development" policy that proceeds without participation by the peoples it affects is not development; it is exploitation.

2. Article 2 of General Assembly Resolution 2542 (XXIV) makes clear that the right to development requires the "immediate and final elimination of all form of . . . [the] exploitation of peoples." Indeed, the exploitation of a people renders sustainable development impossible and violates the full range of human rights that can only be guaranteed when a government respects its peoples' right to self-determination.

3. For these reasons, we wish to call the Sub-Commission's attention to the ongoing exploitation of the Tibetan people's land and resources by China. China repeatedly states that it considers the right to development paramount. In the words of its most recent White Paper, "50 Years of Progress in China's Human Rights" (Feb. 17, 2000): "[T]he Chinese government has always put the people's rights to subsistence and development first." It is therefore tragic that China has pursued a policy of exploiting Tibet's resources, with neither the participation nor the consent of the Tibetan people.

4. In Tibet, "development" policies are formulated by Beijing without meaningful participation by Tibetans and Beijing's projects do not benefit the Tibetan people. Virtually all of the natural resources extracted from Tibet enrich the eastern regions of China. Even the benefits of those development projects that could benefit Tibetans accrue instead almost exclusively to the millions of Chinese -- businessmen, investors and cadres -- who have moved to Tibet because of China's population transfer policies. In 1997, for example, the International Commission of Jurists noted that "[p]rofitable returns to the state are generated by high profit levels of monopoly state enterprises reliant on *Tibetan* raw materials as their primary inputs, obtained at prices below market rates . . . . Transfer pricing is a systematic feature of the extraction of Tibet's resources for Chinese use."

5. China refers to Tibet as *Xizang*, which means "Western Treasure House." In June 1999, President Jiang Zemin officially proclaimed the so-called "Western Development" campaign and Beijing has aggressively promoted it during 2000 and 2001. In theory, this refers to a policy of reducing poverty by developing western China through improvements to economic infrastructure and encouraging outside investment. In practice, it represents an escalation of the long-standing Chinese policy of extracting the natural and mineral resources that exist in Tibet and Xinjiang for the benefit of the Chinese people. This conduct is inconsistent with the Tibetan people's right to participate in formulating a sustainable and environmentally-sound development policy that will begin to alleviate the devastating poverty in Tibet.

6. This year, China has finalized plans, and may have started construction on, a railroad line through eastern Tibet into Lhasa. According to TIN, however, the purpose is to facilitate the movement of settlers and soldiers *into* Tibet and the extraction of raw materials and goods *out of* Tibet.

7. Current development policies in Tibet are conceived and implemented without any meaningful participation by Tibetans. According to the Tibet Information Network (TIN), "the policies being implemented, imposed from the top down and failing to address key local needs, may be extremely detrimental to people living in the western regions." One witness told TIN that "as far as ordinary people . . . were concerned this [development] policy may well have dropped out of the sky."

8. Officially, the rationale for the Western Development campaign is to alleviate the disproportionate level of poverty in western China. TIN's research indicates that the central government's policies of development over the past twenty years have produced a dramatic gap: "[I]n 1998, the per capita income of coastal [eastern] farmers was 3600 yuan, nearly three times that of farmers in the west." But the evidence suggests that poor farmers and nomads, who make up 80 percent of the west's population, will gain little from the new large-scale development and mineral exploitation projects. Rather, the principal beneficiaries will be the urban Chinese settlers, whose small businesses and employment opportunities will flourish as a result of the priorities set by the central government in Beijing.

9. For example, of the ten large-scale "Western Development" projects that China has launched for the year 2000, not one is located in the Tibet Autonomous Region (TAR) or other rural Tibetan regions, where many of the poorest inhabitants live. Instead, Beijing has determined they should be constructed in the wealthier western regions with better infrastructure. These regions are primarily dominated by Chinese settlers, not Tibetans. In 1995, China explained the theory behind this apparent injustice in "The Progress of Human Rights in China": "While some areas and some people become rich first, they are encouraged to help poor areas and people get rich." This "trickle down" theory has yet to bring any appreciable benefits to the vast majority of the peoples of Tibet and Xinjiang.

10. A tremendous proportion of China's energy resources, including oil, gas, and hydropower, are located in Xinjiang and in the Tibetan regions of Qinghai. This year, construction will be completed on a pipeline carrying natural gas from eastern Tibet into China, confirming TIN's report that "[e]nergy resources, including hydropower and gas, are being exploited primarily for use in eastern China, rather than to assist industrialisation in the west." Not only do Tibetans enjoy none of the benefits of their land's energy resources, these projects are being pursued in an environmentally destructive manner.

11. According to the International Commission of Jurists, per capita spending on healthcare, education, and subsistence is lower in the TAR than anywhere else in China. This means, that Tibetans have neither the economic resources nor the education to compete for the new jobs and positions that "Western Development" policies in their lands do create. Thus, the current development policy perpetuates the very inequities it is ostensibly designed to remedy. A report issued in 2001 by the International Committee of Lawyers for Tibet notes that while development accelerates in Tibet, Tibetan children continue to struggle for access to education, and what education exists is designed to suppress their culture. Tibetan children are also suffering nutritionally because of Chinese economic policies in Tibet to such an extent that the average size of young Tibetan children is *shrinking*. In addition, as the need for political control increases to accommodate economic exploitation, the study of Tibetan children shows that even they are subject to arrest and torture for "political" offenses. Finally, TIN has reported this year that as Chinese settlers move in, officials are increasing enforcement of draconian birth control regulations on Tibetan woman.

12. The purpose behind "Western Development," as Chinese economist Hu Angang candidly acknowledged, is to preserve political control in Tibet: "The worst case scenario – and what we're trying to avoid – is China fragmenting like Yugoslavia. Already, regional [economic] disparity is equal to – or worse than – what we saw in Yugoslavia before it split." The central government's "development" policies in Tibet, in other words, are intended first and foremost to ensure political "stability" in Tibet, not to bring what is desperately needed by Tibetans and other poor inhabitants in the West: better healthcare, education, and employment opportunities.

13. An similar example of this kind of exploitation is the current plan to construct an oil pipeline between Chad and Cameroon. The World Bank, Chad, Cameroon and a consortium of oil companies believe the oil reserves will help alleviate the poverty of Chad's seven million people. But here again, (i) Chad's people, have not been consulted; (ii) Chad's government has an atrocious human rights record; and (iii) according to Andrea Dubin, an environmental expert, the pipeline threatens key water and river systems.

14. Mr. Chairman, China's exploitation of Tibet's natural and mineral resources, which proceeds without Tibetan participation and which does not benefit the Tibetan people, is inconsistent with respect for the human right to development. Only when Tibet's people enjoy genuine self-determination, including the right to control the disposition of their natural resources within a framework of environmental responsibility and international cooperation, can they truly enjoy the right to development. We therefore urge the Commission to adopt a resolution calling on the Chinese government to end its economic exploitation of Tibet, including population transfer and the denial of the Tibetan people's right to self-determination.

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COMMISSION ON HUMAN RIGHTS
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Fifty-third session
Item 2 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement*/ submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 June 2001]

*/ This written statement is issued, unedited, as received in English, from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 4 4 2 6 * LS

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One of the most fundamental human rights is the right to religious freedom which has been enshrined in both the Universal Declaration of Human Rights (Article 18) and the International Covenant on Civil and Political Rights (Articles 18 and 26). Special attention was drawn to this fundamental right when the Sub-Commission was charged, in accordance with its original mandate, to prevent discrimination of any kind relating to human rights and fundamental freedoms and to protect racial, religious, and linguistic minorities.

In acknowledgement and support of its mandate, the International Fellowship of Reconciliation (IFOR) takes this opportunity to report to the Sub-Commission on the deteriorating situation of religious freedom in Tibet. In doing so, the IFOR reminds the Sub-Commission of its resolution E/CN.4/Sub.2/91/10 in which it expressed its "concern at the continuing reports of violations of fundamental human rights and freedoms which threaten the destruction of the cultural, religious, and national identity of the Tibetan people" and called upon the Chinese government "fully to respect the fundamental human rights and freedoms of the Tibetan people."

Unfortunately, this appeal fell on deaf ears. In the ten years since the resolution was passed by the Sub-Commission, the situation of religious intolerance in Tibet has substanially worsened due to a systematic campaign on the part of the Chinese government authorities to promote atheism and to silence political dissent among clergy and lay persons. This campaign is wide-spread and increasing in intensity. It has resulted in the imprisonment of hundreds of monks and nuns and the banishment of thousands of others from their religious institutions. It is now estimated that more than 70% of the 451 current political prisoners in Tibet are clergy.

It is ironic to note that while Chinese authorities pride themselves in having funded the lavish renovation of certain well-known monasteries which serve as tourist attractions, these same institutions are being emptied from within by repressive political policies.

1. The "Strike Hard" Campaign in Tibet 1996 - 2000

In April 1996, the national "Strike Hard" campaign was launched in China. Although the official aim of the campaign was to combat crime and corruption, in Tibet it was directed against "splittist" activity, such as support for Tibetan independence and allegiance to the Dalai Lama.

As part of this campaign, Chinese "work teams" have been sent into monasteries and convents throughout Tibet to forcefully "re-educate" the resident monks and nuns on religious and patriotic beliefs as prescribed by the Chinese government. To achieve this, the "work teams" require them to sign a five point political pledge in which they must denounce the Dalai Lama, accept the Chinese-appointed Panchen Lama, oppose Tibetan independence, and recognize the authority of the Chinese government. Those who refuse face severe repercussions in the form of expulsion or arrest.

The "work teams" have the authority to set limits on the number of monks and nuns permitted to reside in religious institutions, to fix the minimum and maximum age limits of that clergy, and to enforce bans on the display of photographs of the Dalai Lama.

According to Chinese government sources, more than 30'000 of a total number of 46'300 monks and nuns had received "patriotic re-education" by the beginning of 1998. Almost all of the known 1'787 monasteries and temples have been reached by this drive. Since its beginning, it is reported that the campaign has resulted in 12'271 expulsions and more than 550 arrests. In the year 2000 alone, 862 monks and nuns were expelled with numerous arrests and one related death reported.

In addition to the expulsions and arrests, the campaign has also resulted in the closure of 22 monasteries and convents. A recent example was the closure of the Nag convent in Sichuan province in May 2000. The 130 resident nuns unanimously refused to sign the pledge denouncing the Dalai Lama. As a result, the "work team" closed and sealed the convent.

Clearly, the campaign is having an effect on eliminating dissent in monastic institutions throughout Tibet. Through the outside pressure of "work teams" and the establishment of resident so-called "Democratic Management Committees", responsible for admission, areas of curriculum, and discipline within the monasteries and convents, the government authorities have succeeded in setting up a system of control to ensure that monks and nuns assume Chinese "socialist" ideals in preference to traditional Tibetan Buddhist teachings. Indeed, the very future of the monastic tradition itself is in question.

In view of its success as a means of ideological control, in November 1997, the "Strike Hard" campaign was officially extended into the lay sector. Since then, thousands of rural peasants have been subjugated to "re-education", while hundreds of private homes have been raided in search of religious artfacts and pictures of the Dalai Lama.

Additional measures comprise restrictions on the public expression of belief. Recent examples include a ban on circumambulation around Lhasa during the festival of Saga Dawa in June 2000 and an announcement that the public celebration of the Dalai Lama's birthday in July has been declared "illegal". The incense-burning hearth in Lhasa where the celebration traditionally takes place was subsequently torn down and a hall to hold dance competitions was built on its ruins.

2. Recent Reports about the Expansion of the Campaign

In June 2001, reports were published of the possible arrest of Khenpo Jigme Phuntsok, the chief abbot of the Serthar Buddhist Institute which is based in Kanze, in eastern Tibet, now incorporated into the Chinese province of Sichuan. In addition to his arrest, thousands of monks and nuns are reported to be in the process of being expelled from the institute in an effort by government authorities to reduce the population of resident clergy from approximately 10'000 to 1'500 persons. The clergy members who are expelled must return to their respective districts or countries and their vacated monastic cells will be demolished.

Government officials, who first issued their demands during an inspection of the institute in 1999, claim that they are acting upon instructions received directly from the central government in Beijing and from the provincial government in Chengdu. This level of intervention seems to indicate official concern at the growing popularity of the institute, rather than any anxiety about overt political dissent.

The Serthar Buddhist Institute received official government approval to operate as an educational institution in 1987. Since then it has become the center of a little known renaissance of Tibetan Buddhist learning, attracting a large number of Tibetan students in addition to at least one thousand monks of ethnic Chinese origin as well as foreigners from Singapore, Malaysia, and Hong Kong.

The staus of the institute as an "academy" rather than as a formal monastic institution may be the reason why it was exempted from the restrictions imposed by the "patriotic re-education" campaign until now.

3. Chinese Denial of a Campaign to Promote Atheism in Tibet

In a response to an inquiry by the Special Rapporteur on Religious Freedom and Belief, submitted as document A/55/280 to the 57th session of the Commission on Human Rights, the Chinese government denied conducting a campaign to promote atheism in Tibet. The facts on the ground, however, refute this claim. There is ample evidence to demonstrate that a systematic campaign is, in fact, underway and that it was initiated at the highest levels of government.

On 15 November 1998, for example, a senior government official in Tibet called for "bold propaganda about Marxist atheism ... (to instruct) the masses of peasantry and herdsmen about the Marxist stand on religion." Again, at a meeting of the TAR Party Propaganda Department on 8 January 1999, a directive was issued stating that "atheism is necessary to promote economic development in the region and to assist the struggle against the infiltration of the Dalai clique."

This campaign is directed at eliminating religious practice in every day life, urging Tibetans to abandon the age-old customs of relying on divination of oracles or seeking advice from senior religious persons or using prayer beads or even wearing traditional Tibetan garments in offices. As mentioned above, the promotion of atheism has gone hand in hand with an increasing number of restrictions on public expressions of belief, such as bans on hoisting prayer flags, burning incense, and perambulating holy sites.

4. Conclusion and Recommendation

In conclusion, the IFOR regards the concerted efforts by Chinese government authorities to promote atheism in Tibet together with the repressive "Strike Hard" campaign as a serious infringement of the right of religious freedom and belief as it is upheld by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Mindful of the fact that China has signed, but not yet ratified the Covenant, the IFOR calls upon the Sub-Commission to review the restriction of religious freedom in Tibet at its current session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement*/ submitted by Rights and Democracy, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE. *200101443 8* LS
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The Situation in China

1. During the past year, gross violations of human rights have persisted in the People's Republic of China. A renewed campaign against organizations and movements which the Party views as a threat is supported by a number of new regulations which allow the government to deny rights while claiming that it is merely abiding by the "rule of law".

2. While the number of bilateral human rights dialogues with western governments has grown and dialogue sessions continue to take place at regular intervals, the policy of quiet diplomacy has disappointed those who look beyond institutional reforms towards real change on specific human rights practices. China has yet to adequately live up to its commitments under the various agreements it has already ratified, specifically the Convention on the Rights of the Child, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Economic, Social and Cultural Rights.

3. At the same time, the bilateral dialogue discussions between mid-level officials and academics around institutional reform appear to have been conditioned on silencing public condemnation at the Commission on Human Rights. The effect has been to remove the incentive for China to improve its human rights record. A UK parliamentary study of the dialogue process, released in November 2000, concluded that the dialogue had delivered "no meaningful results" and that there had been a "serious deterioration" of human rights since the British government initiated the process.

4. Similarly, the Memorandum of Understanding signed in November 2000 between the High Commissioner for Human Rights and the People's Republic of China, is disappointing in that, like the bilateral dialogues, it fails to identify a timeframe for progress, practical outputs, or any methodology for monitoring the implementation of reforms. The agreement establishes little more than an expanded schedule of workshops, training programmes and provision of advisory services in its effort promote "a better mutual understanding of human rights issues". Again, while these are not necessarily bad initiatives, they do not substitute for the cessation of specific human rights abuses by the Chinese state against its citizens

5. Political activity has been systematically repressed during the past year. From October 1999 to July 2000, ten leaders of the China Democracy Party (CDP) were sentenced to prison terms of up to eleven years. More recently, Wang Zechen was sentenced in December 2000 to six years imprisonment for his involvement in the outlawed opposition party while lawyer Wang Wenjiang received a four year sentence for his role in representing a CDP leader. At least 25 members of the CDP are currently imprisoned, primarily on subversion charges.

6. Despite persistent reports of torture in prisons, the UN Special Rapporteur on Torture's request to visit China has been held up by Chinese objections to the terms of reference of his visit. While the terms of reference are standard for special rapporteur country visits, China has successfully kept official scrutiny of its practices at bay while permitting non-expert officials from a variety of countries to visit selected prisons on an ad-hoc basis. One of these, from Canada, reported hearing a prison rock band perform during his visit to Drapchi Prison in Tibet, later commenting that the quality of music was "better than in the rest of China" and that prisoners appeared to be "happy".

7. Freedom of expression is routinely denied in China and efforts in the past year to control the distribution of non-official information have escalated. Authorities have replaced or demoted

publishers and editors who failed to comply with new stricter guidelines related to promoting official Communist Party ideology. Censorship is rampant and is imposed on a variety of articles, books and poems deemed "backward", "subversive" or "threats to security". Even foreign businesses are scrutinized and one publisher was denied access to book binding facilities in China because the book in question included a photo of the Dalai Lama.

8. Access to information is strictly monitored and curtailed. China-based Web sites are restricted to posting state-controlled information and several chat rooms and electronic news groups have been shut down by the Ministry of Security. The Web sites of some foreign news agencies and non-governmental organisations are routinely blocked. Six provincial authorities have set up special "Internet police" forces under the guise of fighting pornography, but with the real objective of monitoring the flow of news entering China over the Internet. At the same time, propaganda Web sites targeting non-Chinese audiences have been launched from outside of China in locations such as Russia.

9. Trade unionists have continued to suffer denial of their rights to freedom of association and the right to form independent trade unions. Arrests of labour activists are widespread and sentences of several years are common for efforts organise workers outside of the state-sanctioned process. In December 1999, labour lawyer Xu Jian of Baotou City in Inner Mongolia was arrested and held for six months without any notification provided to his family. In May 2000, Xu was charged with trying to overthrow the state and the socialist system. The charges resulted from Xu's efforts to educate local workers about China's labour laws and his efforts to represent workers who had not received their due wages from state-owned enterprises. Xu was sentenced to four years, but is reported to be in poor health and denied access to appropriate health care while in prison.

10. In Tibet, Chinese authorities continue to suppress "splittist" activities and exert control over religious activities. A two-tier system of social protection has emerged based primarily on race. Tibetans find themselves marginalized and discriminated against in the areas of education, access to adequate health care and in economic development. Efforts by the Tibetan government-in-exile to resolve the conflict through initiation of dialogue and negotiation with Chinese authorities have been met with resistance by China's leadership. Requests from the governments of many Commission members and the High Commissioner for Human Rights for permission to visit Gendhun Choekyi Nyima, the 11-year old Tibetan prisoner recognized by the Dalai Lama as the Panchen Lama, continue to be routinely denied.

11. Political and religious repression in Eastern Turkestan (Xinjiang) has escalated in the past year, with Chinese authorities initiated a "iron fist" campaign against what it termed "religious fundamentalists, splittists and terrorists". At least 24 alleged terrorists were executed during the past year. In March, 2000 a local businesswoman, Rebiya Kadeer, was sentenced to eight years in prison for mailing underlined newspaper articles to her husband, a refugee living in the United States. Kadeer's son and secretary were also given prison terms of two and three years respectively.

12. Discrimination against the practice of Falun Gong by Chinese authorities has escalated to the point where it is estimated that 25,000 practitioners are now languishing in labour camps, prisons or mental hospitals. Reports estimate that up to 80 deaths from torture have resulted. Many of those arrested have been denied their right to a fair trial.

RECOMMENDATIONS

1. The Sub-Commission should take steps to ensure that the Government of China honours the terms of reference for country visits by special rapporteurs and the visit to China by the Special Rapporteur on Torture proceeds without further delay.

2. The Sub-Commission should appoint an independent delegation of eminent persons to petition Chinese authorities for permission to visit the 11 year old Tibetan child, Gendhun Choekyi Nyima for the purpose of ascertaining his safety.

3. The Sub-Commission should urge the Government of China to ratify the International Covenant on Civil and Political Rights without delay and without reservations.

4. The Sub-Commission should press Chinese authorities for restraint in their response to Falun Gong practitioners. The Commission on Human Rights' Special Rapporteur on Torture should be permitted access to specific Falun Gong practitioners currently imprisoned and should provide information regarding those whose whereabouts remains unknown following detention. Specifically, Chinese authorities should guarantee that the right to a fair trial is upheld for all citizens of China including Falun Gong practitioners.